IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11551 of 2004

Between:

P.Narsaiah s/o Sri P.Ramaiah
Bolampally Village, Aravapally, Nalgonda District

..... PETITIONER

AND

The Regional Manager APSRTC Nalgonda

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an writ order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the proceedings dt. 15/03/2004 as arbitrary and illegal and set aside the same and direct the respondent to absorb thepetitioner as conductor in the category of displaced employees quota duly taken into consideration of the acknoledgement given by Regional Manager, Nalgonda dt. 05/05/2003 and the absorption made in respect of one Sri A.Lakshma Reddy against the vehicle bearing No.AAP 648.

Counsel for the Petitioner:MR.ANDAPALLI SANJEEV KUMAR

Counsel for the Respondent No.: MR.K.HARINATH (SC FOR APSRTC)

The Court at the admission stage made the following :

The Hon’ble Sri Justice

K.C. Bhanu

W.P. 11551 of 2004

O R D E R:

Heard the learned counsel for both sides. At their request, the main writ petition itself is taken up for disposal.

Questioning the action of the respondent in issuing the proceedings dated 15.03.2004, the present writ petition is filed seeking a consequential direction to the respondent to absorb the petitioner as a Conductor in the category of displaced employees quota duly taking into consideration the acknowledgment given by the Regional Manager, Nalgonda dated 5.5.2003.

The brief averments that are necessary for the disposal of the present writ petition may be stated as follows:

The petitioner worked as a Conductor in the Bus bearing No. AAP 648 run by one Sri Racharla Nageshwar Rao and others from 1986 to 30.4.1991. The route – Suryapeta to Marpeda Bunglaw via Kudakuda was nationalised by the Government w.e.f. 1.5.1991. Temporary permit of the vehicle was valid up to 1.7.1991. The respondent-Corporation evolved a scheme of absorption of displaced persons who worked with the private bus operators who were seeking absorption with a condition that the displaces persons should have worked for one year continuously prior to the date of nationalisation of the route. The petitioner's name was included in the list of the candidates. As there was no response, he filed a writ petition in W.P. 10438 of 1991 before this court. While disposing of the said writ petition, this court directed the respondent to consider the case of the petitioner for absorption in the category of displaced persons. As the same has not been considered, another writ petition was filed. Again this court directed the respondent to consider the claim of the petitioner There upon, a call letter dted 28.2.2004 was issued by the respondent directing the petitioner to attend the

respondent-Corporation and submit the original certificates. Accordingly the petitioner approached the respondent and submitted all the original certificates. Thereafter, the petitioner also appeared before the selection committee. Before the selection committee also he produced all the originals. But surprisingly the petitioner received a show-cause notice dated 16.2.2004 asking him to show-cause as to why his claim for absorption shall not be rejected on the ground of non-production of original certificates. The petitioner gave an explanation stating that the originals were submitted. Then the respondent issued the final orders dated 15.3.2004 rejecting the claim of the petitioner. Questioning the same, the present writ petition is filed.

Learned counsel for the petitioner vehemently contended that as per the proceedings of the respondent-Corporation all the documents as required by the Corporation were produced before the respondent on 5.5.2003. Though the documents were produced, the impugned order was passed stating that the petitioner has not produced the required documentary proof and therefore he prays to set aside the impugned proceedings.

On the other hand, learned standing counsel for the respondent-Corporation contended that the vehicle in question was not in continuous operation for a period of one year prior to the nationalisation and the petitioner herein has not produced his valid conductors licence and for relevant period, original inspection report issued by the Assistant Labour Officer and, therefore, the impugned order is passed basing on the material available on record and that there are no grounds to interfere with the impugned proceedings.

It is not in dispute that the administrative authorities are required to give reasons for rejecting the case. The route – Suryapeta to Marpeda Bunglaw via Kudakuda – has been nationalised by the Government w.e.f. 1.5.1991. According to the petitioner, the temporary permit was valid up to 1.7.1991. He worked as the Conductor of the bus No. APP 648. By a notice dated 28.4.2003 the

respondent-Corporation directed the petitioner to produce the service certificate issued by the owner of the vehicle, Labour Enforcement Officer letter dated 4.6.1991, original date of birth certificate and extra curricular certificates etc, if any. On 5.5.2003 he produced the following certificates:

1. Service Certificate issued by Sri Venkateswaraswamy bus service dated 12.6.1991.
2. Labour Officer Enforcement Certificate dated 4.6.1991.
3. Conductor Licence.
4. Local & Service Certificate.
5. Caste Certificate.
6. Service Certificate issued by the R.T.A. dt.9.8.87.
7. Attender Register.
8. P.F. Register.
9. Service Register issued by the R.T.A. dt.12.11.1988.
10. Trip Sheets.
11. Salary Register.

As per the impugned proceedings, the petitioner has produced the conductor's licence valid from 6.2.2004 to 22.2.2007 but not his conductor's licence pertaining to the period of operation of the bus. Further, he has not furnished the original certificate issued by the Assistant Labour Officer, Suryapet regarding the details of conductors, and drivers worked on the bus No. AAP 648. One of the reasons for rejection is that during the course of interview the selection committee observed that the vehicle No.AAP 648 was not in continuous operation for a period of one year prior to nationalisation i.e. 1.5.1991, which is the requisite criterion for considering the candidature of displaced employee. The same is not

shown to be false or incorrect. When the petitioner claims to be appointed as Conductor as a displaced person, he must produce the conductor's licence for the relevant period of operation of the bus. As seen from the impugned proceedings, writ petitioner has not produced the conductor's licence and also the original inspection report of the Assistant Labour Officer, Suryapet regarding the details of conductors and drivers worked on the bus No. AAP 648. Therefore, the case of the petitioner was rejected. The impugned order also reveals that on the ground that the vehicle No. AAP 648 was not having a regular permit but it was only covered by a temporary permit for four months duration prior to nationalisation. Therefore, the impugned order does not suffer from any legal infirmities so as to call for interference by this court. The reasons for rejection are not shown to be contrary to the regulations or the scheme evolved for absorption of the displaced persons consequent upon the nationalisation of certain routes.

Hence the writ petition is dismissed. In the circumstances, no costs.

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K.C. Bhanu, J.

Dt. 23–07—2004.

MVB.

..... REGISTRAR

To

1. The Regional Manager APSRTC Nalgonda

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